

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GAYLE FITZPATRICK,	)	
	)	2:03-cv-01705-GEB-CKD
Plaintiff,	)	
	)	
v.	)	<u>ORDER</u>
	)	
WYETH PHARMACEUTICALS; WYETH,	)	
INC.; PFIZER, INC.; PHARMACIA	)	
AND UPJOHN PHARMACEUTICAL SALES	)	
REPRESENTATIVES,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff filed a "Motion to Dismiss With Prejudice Pursuant to [Federal] Rule [of Civil Procedure] 41" on November 7, 2011, in which she "moves for an order of dismissal with prejudice as to all Defendants . . . , with each party to bear its own costs and attorneys' fees." (ECF No. 46.)

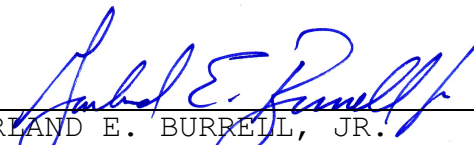
Since this dismissal is conditional upon each party bearing its own costs and attorneys' fees, each Defendant is given ten (10) days from the date this order is filed within which to file an objection to Plaintiff's dismissal filing. If no objection to the dismissal Plaintiff

1 seeks is filed within this period, an Order dismissing the case will be  
2 filed.

3 Further, in the event this action is not dismissed, the Status  
4 (Pretrial Scheduling) Conference scheduled for hearing on November 28,  
5 2011 is continued to January 30, 2012 at 9:00 a.m. A joint status report  
6 shall be filed no later than fourteen (14) days prior to the Status  
7 Conference.

8 IT IS SO ORDERED.

9 Dated: November 17, 2011

10  
11   
12 \_\_\_\_\_  
13 GARIAND E. BURRELL, JR.  
14 United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28